

PRESS RELEASE

March 29, 2006

RE: UNITED STATES v. ANDREW TOMASCIK

United States Attorney Terrance P. Flynn announced that Andrew Tomascik, age 39, of Niagara Falls, New York, a member of and former union steward for Laborers Local 91, was sentenced on March 27, 2006, for his role in a racketeering conspiracy involving several members and former officers of Local 91. The sentence, imposed by Chief United States District Judge Richard J. Arcara, requires Tomascik to serve a term of imprisonment of forty-eight (48) months, followed by a term of supervised release of two years. The Court also ordered Tomascik to pay restitution to the employer of the tilersettlers in an amount up to \$20,000.

Assistant U.S. Attorneys William J. Hochul, Jr. and Brett A. Harvey, who are handling the case, stated that the sentence was imposed as a result of an earlier guilty plea by Tomascik to RICO conspiracy, in which Tomascik admitted his role in a violent attack upon union tilersettlers working at the construction of the Wegman's Supermarket on Military Road in Niagara Falls in 1998, and the attempted extortion of a non-union contractor performing asbestos removal work at the Niagara Falls Drinking Water Treatment Plant in 1997.

They stated that the prosecution of Tomascik, along with the other members of Local 91 convicted to date, was a result of a lengthy criminal investigation conducted by

several federal and local agencies into the activities of Laborers International Union of America, Local 91 (hereinafter "Local 91"), based in Niagara Falls, New York. According to an Indictment returned in the investigation, certain Local 91 members, including the former management of Local 91, engaged in repeated acts of extortion at a number of construction projects in Niagara County, New York, over at least a six year period of time.

It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty. (**Disciplinary Rule 7-107(B)(6)**). To date, seven Local 91 members have been convicted of racketeering conspiracy, two Local 91 members were convicted after a jury trial of attempted extortion, two other defendants were convicted of attempted destruction of an Alliant Food Service truck, and another defendant was acquitted of trying to destroy the Alliant truck. The former head of Local 91, Michael "Butch" Quarcini, meanwhile, passed away while charges were pending against him, and another Local 91 member pleaded guilty to perjury in connection with the continuing investigation.

The plea was the culmination of a joint investigation on the part of the United States Department of Labor, Office of Inspector General, under the direction of Gordon Hedel, the Federal Bureau of Investigation, under the direction of Special Agent in Charge Peter Ahearn, the Niagara County Sheriff's Office, under the direction of Sheriff Thomas Beilein, and the Niagara Falls Police Department, under the direction of Superintendent John Chella. The investigation underlying the initial Indictment was conducted by these same agencies, along with the assistance of the New York State Police, under the direction of Major Michael Manning.

